

providing the party an opportunity to be heard. Fed. R. Civ. P. 37(a)(5)(A).

Plaintiff failed to respond to Defendant's discovery requests and has not responded to the motion to compel. Prior to making the motion to compel, Defendant attempted in good faith to obtain the relevant discovery from Plaintiff. Accordingly, the Court **GRANTS** Defendant's Motion to Compel [# 40]. Plaintiff shall respond to Defendant's requests by April 15, 2011. The Court also **DIRECTS** Plaintiff to **SHOW CAUSE** in writing by April 15, 2011, why that Court should not award Defendant its costs, including its reasonable attorneys' fees, pursuant to Rule 37(a)(5)(A).

II. Conclusion

The Court **GRANTS** Defendant's Motion to Compel [# 40]. Plaintiff shall respond to Defendant's First Interrogatories and First Request for Production of Documents by April 15, 2011. The Court **DIRECTS** Plaintiff to **SHOW CAUSE** in writing by April 15, 2011, why the Court should not award Defendant its costs, including its reasonable attorneys' fees, pursuant to Rule 37(a)(5)(A).

Signed: April 4, 2011



Dennis L. Howell
United States Magistrate Judge

